

1                   IN THE UNITED STATES DISTRICT COURT FOR THE  
                    NORTHERN DISTRICT OF OKLAHOMA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 and

6 OSAGE MINERALS COUNCIL,

7 Intervenor-Plaintiff,

8 vs. Case No. 14-CV-704-GFK-JFJ

9 OSAGE WIND, LLC;  
ENEL KANSAS, LLC; and  
10 ENEL GREEN POWER NORTH  
AMERICA, INC.,

Defendants.

13 VIDEO ZOOM DEPOSITION OF RAYMOND WHITESHIELD  
14 TAKEN ON BEHALF OF THE DEFENDANTS  
ON JUNE 23, 2021, BEGINNING AT 10:03 A.M.  
IN TULSA, OKLAHOMA

16 APPEARANCES

17 On behalf of the PLAINTIFF:

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25 REPORTED BY: SUSAN K. McGUIRE, CSR, RPR

Exhibit 5

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1           A.    Not on this -- not the third substation  
2   visit.

3           Q.    When -- I'm interrupting you, and I  
4   apologize.

5           A.    Yeah. And you were the one who told me not  
6   to interrupt you, but you're doing it. Awesome.

7           Q.    Let me go back to my question, sir.

8                   So, you reported to your superiors that the  
9   pits for foundation towers were 60 feet wide and 30  
10   feet deep; am I correct, on your prior visit?

11          A.    Which prior visit?

12          Q.    The one --

13                   MR. SLADE: Well, let's -- reporter, would  
14   you please get Exhibit 74 up?

15          Q.    (BY MR. SLADE) Okay. The one I'm referring  
16   to, Ray, is the one that happened on September 29,  
17   2014, that you reported to Superintendent Phillips  
18   through your superiors, I assume, that you found a pit  
19   approximately 60 feet wide and 30 feet deep for  
20   turbine foundations.

21                   Is that what you reported based on your --

22          A.    It was --

23          Q.    -- September 29 visit?

24          A.    On my visit on September 29, 2014, I  
25   witnessed several pits that were 60 foot wide, 30 foot

Exhibit 5

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1 deep.

2 Q. Good. Now, and my question for you is, did  
3 you witness pits of those dimensions on December 15,  
4 2014, when you visited the substation?

5 A. Can you rephrase that question?

6 MR. SLADE: Would the reporter please read  
7 that question back?

8 (The record was read as requested)

9 THE WITNESS: I witnessed pits on that day,  
10 but I cannot recall the depth or the width on December  
11 15, 2014.

12 Q. (By MR. SLADE) In fact -- excuse me. Thank  
13 you.

14 In fact, my -- you testified earlier that  
15 you took the photographs from the truck, and you never  
16 went closer to the activities and equipment than you  
17 were at the truck when you took the photographs;  
18 correct?

19 A. Sir, I stated I was outside of my truck, I  
20 stood up, put the phone -- or put the camera to my  
21 eye, snapped a picture. I wasn't in my truck.

22 Q. Yes, I understand that you were by the  
23 truck.

24 A. And for safety reasons, I did not go close  
25 to any of the equipment.

Exhibit 5

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